

REMARKS

A final office action mailed June 26, 2008 ("Office Action") rejected all pending claims 1-76 on obviousness grounds. In this Amendment, Applicant amends claims 2-5, 8, 9, 15, 16, 20, 22, 23, 26, 41, 43-48, and 76. Applicant also cancels claims 1, 18, 21, 27-40, 49, 60, and 63-75 for consistency with the amendment to independent claim 76, discussed below. As such, claims 2-17, 19, 20, 22-26, 41-48, 50-59, 61, 62, and 76 are pending. Applicant respectfully requests the Examiner's reconsideration in view of the amendments and arguments set forth in this response.

Claim 76 remains the only independent claim. As amended, it now recites "one or more polymer wires extending spirally in a first direction . . . and one or more metal wires extending spirally in a second direction, the second direction being counter to the first direction." More importantly, claim 76 now recites that "the one or more metal wires are connected to the one or more polymer wires at a plurality of intersection points, the one or more metal wires only intersecting the one or more polymer wires such that the one or more metal wires do not form a closed current loop." These features are shown in Fig. 1 of the instant specification, which is reproduced below.

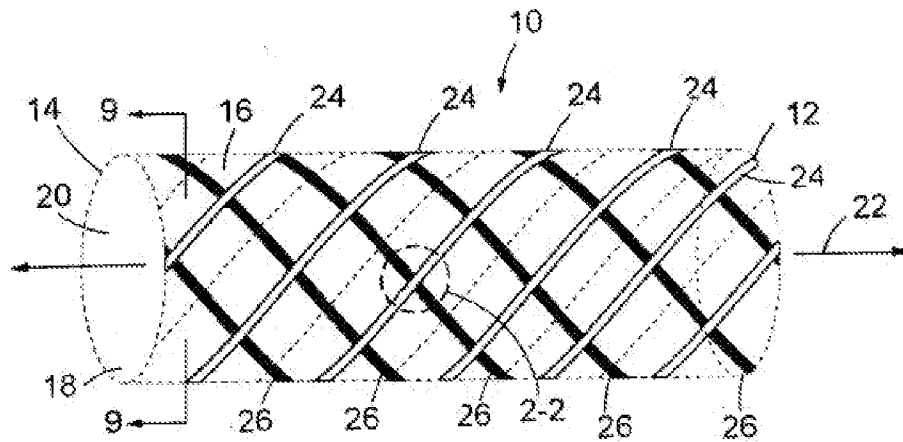


FIG. 1

As shown, metal wire(s) 24 extends spirally in one direction while the polymer wire(s) 26 extend in another direction counter to the direction of the metal wire(s) 24. The lack of any

intersection or contact point between the metal wires prevents the formation of a closed current loop. Support for these amendments can be found, for example, in FIGS. 1-4 and in the specification at paragraphs [0008, 0040, 0044]. As such, these amendments introduce no new matter.

The Office Action rejected claims 1-76 as obvious under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. 6,340,367 to Stinson et al. ("Stinson") in view of U.S. Pat. 6,375,787 to Lukic et al. ("Lukic"). The claims, as amended, are patentable over the cited references because the references, either alone or in combination, do not disclose all elements of Applicant's claims. In particular, neither Stinson or Lukic discloses or even suggests a stent having "one or more metal wires [that] only intersect[] the one or more polymer wires," as claimed. Both Stinson and Lukic disclose stents having metal wires spirally extending in opposite directions such that the wires form intersection points.

As shown in FIGS. 2, 3, and 5-7 of Stinson, the metal members form a criss-cross pattern that results in a plurality of intersection points of metal wires extending in opposite directions. As shown in Figure 2 of Stinson, reproduced below and modified to highlight the closed current loop **CCL**, this criss-cross pattern would inherently form a plurality of closed current loops. Accordingly, the stent of Stinson lacks a metal wire that "only intersect[s] one or more polymer wires," as recited by independent claim 76.

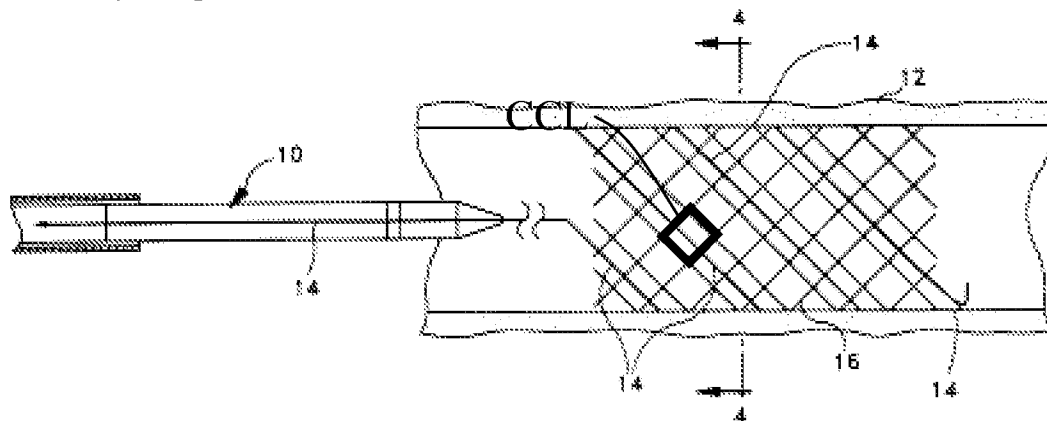


FIGURE 2

Lukic also does not disclose metal wires that "only intersect[] one or more polymer wires," as claimed. Lukic does not even disclose the use of both polymer and metal wires in the

stent. While Lukic does mention that stents can be formed out of stainless steel, plastics or hybrid materials such as plastics and carbon fiber, Lukic does not disclose or even suggest the combination of metal and polymer wires such that any metal wire "only intersect[s] one or more polymer wires," as claimed. *See* Lukic, Col. 3, lines 22-25.

For at least these reasons, the proposed combination of Stinson and Lukic does not render obvious independent claim 76. As such, claims 2-17, 19, 20, 22-26, 41-48, 51-59, 61, 62, and 76 are patentable over the cited references. Therefore, Applicant requests that the rejection under 35 U.S.C. § 103(a) of the claims be withdrawn.

The finality of the Office Action mailed June 26, 2008 is improper. The Examiner previously rejected the claims on 35 U.S.C. §102(b) grounds. The current final rejection was based on 35 U.S.C. §103(a), and cited one new piece of prior art. This new rejection was not prompted by the amendment of claims, but by the filing of an appeal. As such, Applicant should be given a chance to respond to the new grounds for rejection before any subsequent rejection is made final.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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/Geoffrey P. Shipsides Reg. No. 55,617/
Geoffrey P. Shipsides
Reg. No. 55,617

Fish & Richardson P.C.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696